

June 7, 2019, NEW YORK, NY – Legal Services NYC filed a lawsuit against the NYC Department of Education ("DOE") in the Eastern District of New York today for refusing interpretation and translation services to Limited English Proficient ("LEP") parents, denying them a meaningful opportunity to participate in their children's education.

Legal Services NYC filed a lawsuit against the NYC Department of Education ("DOE") in the Eastern District of New York this week for denying interpretation and translation services to Limited English Proficient ("LEP") parents. The Spanish- and Chinese-speaking plaintiffs, who fight tirelessly for their children's right to a meaningful education, allege that NYC school officials routinely denied them oral interpretation and written translations when communicating vital information about their children's well-being and academic progress, including during emergency situations and regular academic evaluation meetings related to their children's disabilities. Legal Services NYC is representing four LEP parents along with the Alliance for Families with Developmental Needs, Inc., an organizational plaintiff.

"As a parent, I find it unconscionable that information about my child could be denied or withheld because of the language I speak," said **Amy Leipziger, a senior staff attorney at Legal Services NYC**. "In this case, the DOE repeatedly denied LEP parents critical information about their children's health, well-being, and education because of the language they speak, causing them unnecessary fear and anxiety and resulting in a denial of services and support for their children. The DOE has a clear legal obligation to give LEP parents meaningful access to their children's education, yet time and time again, they refused to do so. Parents of children with disabilities have a hard enough time navigating the school system to ensure their children get an appropriate education without unnecessary obstacles. We intend to keep fighting to ensure that every student in NYC gets the quality education they deserve."

Legal Services NYC filed suit on behalf of four LEP parents after learning of the DOE's repeated failure to provide them with interpreters or translated documents, including in emergency situations, academic progress meetings related to students' disabilities, and regular updates from the school. The DOE was aware of the parents' LEP status, yet repeatedly failed to provide parents with the translation services and interpretation they need to be able to participate in their children's education.

One parent, Hui Qin Liu, the mother of an 8-year-old student with autism, received a call in English from her daughter's bus driver telling her that her daughter had a seizure and was being taken to the emergency room. Ms. Liu, a native Mandarin speaker, was luckily able to decipher the name of the hospital but had no other information about her daughter's well-being. On another occasion, Ms. Liu's daughter came home with bite marks on her body. After making a written request for an explanation from the school, she received a phone call, in English, but understood little of it. Another parent, Marcela Hernandez, the mother of a 17-year-old autistic student, asked the school for a Spanish interpreter in advance of a school meeting but was asked "why don't you learn English?" by a staff member in response.

The lawsuit alleges the DOE violated the Title VI of the Civil Rights Act of 1964, which prohibits institutions receiving federal funds from discriminating on the basis of national origin, as well as the NYC Human Rights Law and the Equal Educational Opportunities Act. The lawsuit also points out that DOE is in violation of its own [Language Access Plan and Chancellor Regulations](#) designed to ensure that the DOE provides LEP parents with translated documents and interpreters so they participate in and have access to programs and services critical to their child's education.

Additionally, the lawsuit charges that DOE violated the Individuals with Disabilities Education Act (IDEA) by denying parents the opportunity to participate in the formation of their children's Individualized Education Program ("IEP"). The IDEA requires schools to create an IEP for students with disabilities, which is a statement of the student's academic progress, goals, special education services, accommodations, and modifications, to ensure they receive appropriate educational services. Parents are a critical part of the IEP process and by refusing to provide translated documents and interpreters, DOE denies parents the right to advocate for services and programs needed for their children's academic success.

All four parents suffered damages, including anxiety, mental distress, embarrassment and insults, inconveniences, and a denial of access to educational benefits for their children. The parents are seeking compensatory damages, penalties, and restorative justice relief including a requirement that DOE notify LEP parents of their right to obtain free interpretation to communicate with school personnel and free translation of IEPs, IEP-related notices, and other vital documents at the beginning of each school year; to actually provide free interpretation and translation services to LEP parents; to implement policies, practices, and training programs for all teachers, staff, and school officials on the obligation to provide interpretation and translation to all LEP parents; and a requirement to create and track a complaint system for LEP parents denied language services.

Read the complaint in [English](#), [Spanish](#), or [Chinese](#).

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"I was horrified to learn that the NYC DOE has repeatedly denied interpretation and translation services to parents in this

City," said **New York State Assemblywoman Catalina Cruz**. "The DOE has marginalized perhaps the most vulnerable members of our school community — LEP parents of students with disabilities who depend and trust the DOE to provide quality educational services and support to their children. New York City holds itself out to be a beacon of inclusion and opportunity. The idea that the NYC DOE refused language access to parents and told to "learn English" is appalling. I applaud Legal Services NYC for filing this complaint against the NYC DOE and for taking the lead on securing justice for these families and others like them around the city."

"Every parent deserves information, of any kind, regarding their child's education communicated to them in the language they speak," said **New York State Senator John C. Liu**. "In these cases, parents were not only denied a critical role in their child's education plans, they were not properly alerted when their child's physical safety was in harm's way. The DOE has caused these families trauma. Moreover, they are in violation of the basic law that every child is entitled to a high-quality public school education."

"Any school employee who tells limited-English parents of disabled children that translating documents would 'take too long' and that they should just 'learn English' is not only being disrespectful, lazy, and discriminatory, they're also in violation of the DOE's own rules," said **NYC Council Member Peter Koo**. "The Chancellor's Regulations require schools to provide translation services to limited-English parents, and any disregard for the carrying out of those essential duties, must be aggressively rooted out. As the DOE moves to eliminate programs that help limited English students and parents improve their language skills, this suit is necessary to ensure justice for these families and to make sure no one in our schools is cutting corners at the expense of our immigrant parents. Thank you to Legal Services NYC for this important work to make sure our limited-English parents are able to remain engaged in the education of their children."

"Parents of children in New York City public schools deserve access to information regarding their children's education and well-being, regardless of their ethnicity or national origin," said **NYC Council Member Debi Rose**. "The actions described in this suit are in violation of the Department of Education's own policies and mission, as well as contrary to our city's stated values of inclusion. Xenophobia and cultural insensitivity have no place in our schools, and I call on the Department to make amends to these families immediately."

"There are more than 200,000 students with disabilities enrolled in our school system. The NYC Department of Education (DOE) is mandated to provide Individualized Education Programs (IEPs) language translation from parents who request the service, and the DOE is failing to meet this mandate. This is inexcusable," said **NYC Council Member Mark Treyger, Chair of the Committee on Education**. "Earlier this year, having heard testimony from many parents who were not aware of their right to have their child's IEP translated, I introduced a resolution calling on the DOE to proactively inform all parents of these rights. All parents must have equal access to advocate on behalf of their children."

"Language access is a critical issue for children with disabilities in New York City whose parents are Limited English Proficient," said **Ruth Lowenkron, Director of Disability Justice at New York Lawyers for the Public Interest**. "New York Lawyers for the Public Interest, along with Advocates for Children, filed a complaint with the U.S. Department of Education, Office of Civil Rights, to obtain appropriate language services for LEP families, and we continue to zealously advocate in this area. NYLPI is glad LSNYC is joining this important fight."

"We speak to parents every day who do not get their special education documents translated until we advocate for them," said **Kim Sweet, Executive Director of Advocates for Children of New York**. "The DOE has failed to create a system to provide interpretation and translation to all parents who need it and must move quickly to address this longstanding problem."

"In the 1970s, and again in the 1980s, special education regulations were updated and refined to commit the Department of Education to provide services for all special education students in the language that kids can understand, if English is not accessible to them," said **Eric Weingartner, Chief Executive Officer of University Settlement, The Door, and Broome Street Academy**. "The rules are clear and the DOE must be on the hook to make access available, no matter the language, immediately. In a city of immigrants, this accommodation is long understood to be standard practice and cannot be debated or delayed."